

Submit Claim To:
City Clerk
City of Oxnard
305 West Third Street
Oxnard, CA 93030

**CLAIM FOR DAMAGES
TO PERSON OR PROPERTY
TO THE CITY OF OXNARD**

RESERVED FOR
FILING STAMP

CITY OF OXNARD
CITY CLERK

2013 JUL 15 A 9:43

INSTRUCTIONS

- Read and complete this form in full before submitting to the City Clerk.
- A claim relating to damage or injury to person, personal property or growing crops, or death must be filed within six months of the event.
- A claim relating to any other damage or injury must be filed within one year of the event.
- Diagram the scene of an event on page 2.
- Attach separate sheets, if necessary, to give full details of the event.
- This form must be signed on page 2 and on any separate sheets.
- The City Clerk office staff cannot assist in completing this form.

Name of Claimant: Edmund Sotelo

Date of Birth: June 10, 1945

Home Address of Claimant: 2280 Timberlane Court, Oxnard, California 93036

Home Telephone Number:
(805) 278-4849

Business Address of Claimant: City, State & Zip Code

Business Telephone Number:
()

☐ I prefer that the claims adjuster communicate with me in Spanish

State the address to which you desire notices or communications to be sent regarding this claim (if different than above):

Bill Seki, 605 West Olympic Blvd., Ste. 900, Los Angeles, CA 90015

State when, where and how the damage or injury which gives rise to this claim occurred:

DATE: Retaliation, harassment and hostile work environment from 2010 - Feb, 2013.

TIME: N/A

LOCATION: Oxnard City Hall

CIRCUMSTANCES: N/A

Describe the particular act or omission by the City or any of its employees which you allege caused the injury or damage:

[See Attachment 1]

State the names of City employees allegedly causing the injury or damage:

Mayor Tom Holden

State the indebtedness, obligation, injury, damage, or loss allegedly resulting from this event:

[See Attachment 1]

State the amount claimant claims on account of each item of injury, damage, or loss, including prospective injury, damage, or loss as of the date of presentation of this claim, giving the basis of computation:

\$1,000,000.00: Emotional distress, failure to rehire, permanent injury to career prospects, attorney's fees and costs.

List all insurance payments received by claimant, and the name of any insurance company making a payment:

None

List all of claimant's expenditures made on account of the injury, damage or loss, with date received and description of each item:

Attorney's Fees to date: \$70,000.00

State the name(s) and address(es) of witnesses and medical providers:

None

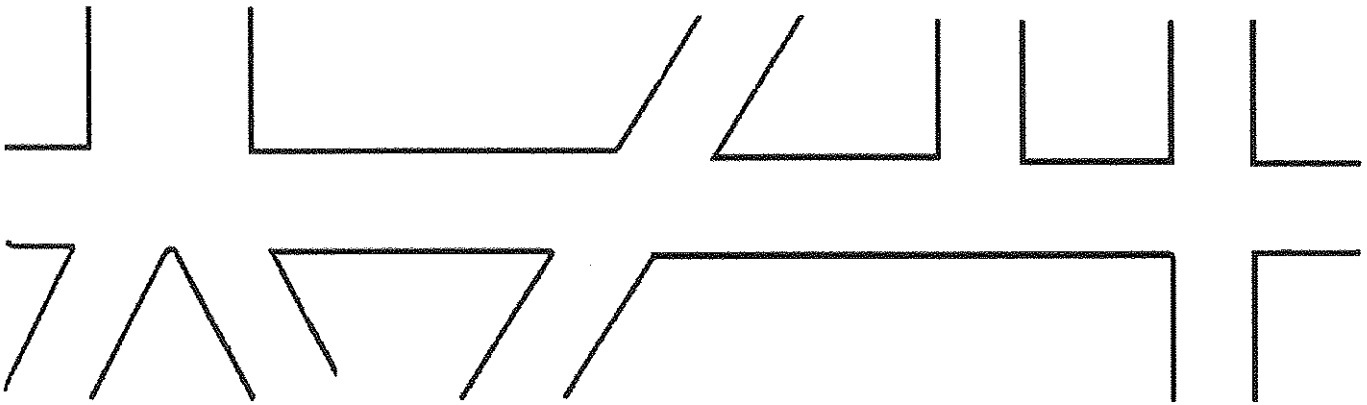
PLEASE READ CAREFULLY

For all claims, complete one of the diagrams below with the following:

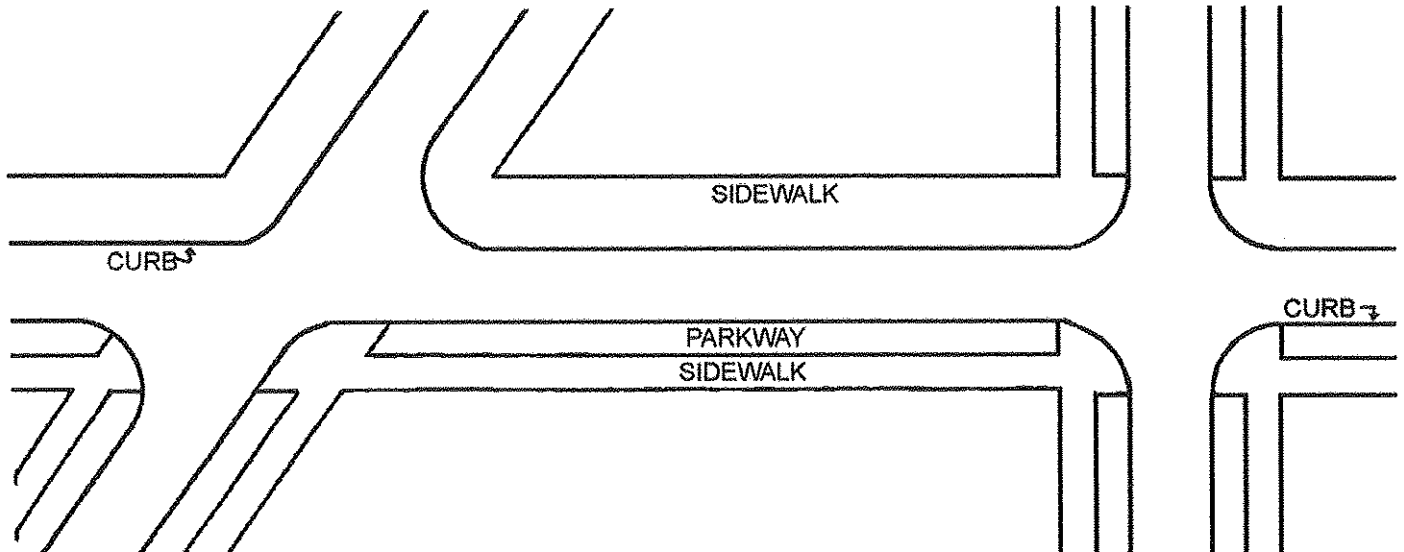
- Street names, including north, east, south and west designations, and house numbers or distance to corner.
- Mark the diagram with the letter "X" to show where the event occurred.
- If a City vehicle was involved, mark the diagram with the letter "A" for the location of the City vehicle where claimant first saw it, and the letter "B" for claimant's location when claimant first saw the City vehicle. Use "A-1" for the location of the City vehicle at the time of the event, and "B-1" for claimant's location at the time of the event.

NOTE: If the diagrams below are not appropriate to describe the incident, please attach a diagram signed by the claimant.

EVENTS INVOLVING MOTOR VEHICLES



OTHER EVENTS



Signature of claimant or person filing on claimant's behalf:

Print or type name of person signing this claim:

Date:

Relationship to claimant: Attorney

Bill Seki

7/11/2013

Exhibit A to Claim for Damages Form

- **Describe the acts or omissions by the City or its employees which you allege cause the injuries or damages**

Mr. Sotelo has been subjected to a pattern of harassment, intimidation, abuse of process, retaliation, hostile work environment and intentional infliction of emotional distress from 2010 through his retaliatory discharge in 2013.

In August 2010 Mr. Sotelo made a written complaint to the Oxnard Human Resources Department. This complaint and the myriad correspondence to and from the various agents of the City of Oxnard related to this complaint are incorporated herein by reference. Specifically, Mr. Sotelo's complaints of threats, threats of retaliation, physical intimidation and hostile work environment by former Mayor Tom Holden are incorporated into this Claim for Damages.

Since the events contained in Mr. Sotelo's August, 2010 complaint, the City of Oxnard has investigated his allegations, and recently concluded that his complaints against Mayor Holden were founded.

Notwithstanding this vindication, Mr. Sotelo was subjected to a deliberate campaign of retaliation that culminated in his contract as City Manager not being renewed in 2013. After some seventeen (17) years as City Manager, Mr. Sotelo was unceremoniously relieved of his duties in 2012 and 'put out to pasture' for the final months of his contract. Despite years of exemplary service, his contract was not renewed.

Mayor Holden's campaign of intimidation, harassment and retaliation against Mr. Sotelo was the proximate cause of Mr. Sotelo's contract not being renewed. From 2010 through 2012 and culminating with the city's decision not to renew Mr. Sotelo's contract, he was subjected to a severe and pervasive hostile work environment, a campaign of retaliation and intentional infliction of emotional distress.

Notably, despite reporting Mayor Holden's illegal actions the City of Oxnard failed to prevent this harassment and let it destroy Mr. Sotelo's career. This failure to act on Mr. Sotelo's founded complaint for some three years caused irreparable harm to Mr. Sotelo and aggravated the injury to Mr. Sotelo. Mr. Sotelo alleges that this deliberate indifference to his founded claim of retaliation is an independent basis for relief against the City.

Edmund Sotelo
Claim for Damages
City of Oxnard
July 10, 2013
Page 2 of 2

- **State the indebtedness, obligation, injury, damages, or loss allegedly resulting from this event**

The above-described acts and omissions violate several state and federal laws and would serve as the factual basis of myriad legal claims including: VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACTS OF 1964 (42 U.S.C. §1981 et seq.); VIOLATION OF CIVIL RIGHTS (28 U.S.C. §1983); VIOLATION OF CIVIL RIGHTS (Monell Claim) (28 U.S.C. §1983); VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT (28 U.S.C. §621); WRONGFUL/CONSTRUCTIVE TERMINATION IN VIOLATION OF PUBLIC POLICY[Tammeny Claim]; INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING; UNFAIR BUSINESS PRACTICES (Bus. & Prof C. 17200 et seq.)

Mr. Sotelo's damages include emotional distress, loss of employment, attorney's fees incurred, loss of future career opportunities, and statutory penalties related to the conduct and claims described above.